



Congress of the United States  
House of Representatives  
Washington, DC 20515

May 15, 2018

The Honorable Scott E. Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Pruitt:

I write to request additional information regarding your practices as EPA Administrator. In several instances, your official foreign travel was allegedly planned and executed with significant assistance from current and former lobbyists, conservative activists and Republican campaign donors. Additionally, it was recently reported that your public schedule omits key information regarding meetings held while traveling.<sup>1</sup> You also traveled domestically using a companion pass obtained through frequent flier miles accrued by a subordinate EPA political appointee. I questioned you about these issues when you testified before the Subcommittee on Environment, but further information is needed in light of recent developments.<sup>2</sup>

**International Travel Concerns**

It was recently reported that EPA intentionally omitted from your calendar a June 9, 2017 dinner in Rome with Cardinal George Pell.<sup>3</sup> EPA staff reportedly raised concerns with you in advance of the meeting.<sup>4</sup> Although you proceeded with this meeting,<sup>5</sup> it is not listed on your

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<sup>1</sup> *Pruitt's Dinner with Cardinal Accused of Abuse was Kept Off Public Schedule*, New York Times (May 11, 2018).

<sup>2</sup> House Committee on Energy and Commerce, *Hearing on the Fiscal Year 2019 Environmental Protection Agency Budget*, 115th Cong. (Apr. 26, 2017).

<sup>3</sup> *Pruitt's Dinner with Cardinal Accused of Abuse was Kept Off Public Schedule*, New York Times (May 11, 2018).

<sup>4</sup> *Pruitt's Dinner with Cardinal Accused of Abuse was Kept Off Public Schedule*, New York Times (May 11, 2018).

<sup>5</sup> *Pruitt's Dinner with Cardinal Accused of Abuse was Kept Off Public Schedule*, New York Times (May 11, 2018).



public calendar.<sup>6</sup> According to a *New York Times* report, senior agency leadership later decided to intentionally exclude the dinner meeting from your official calendar.<sup>7</sup> This troubling report renews my concern about the nature of your meetings as EPA Administrator and EPA's ongoing effort to deliberately withhold information from the public.

Additionally, following your testimony before the Subcommittee, other key details have emerged regarding your official travel, including the significant assistance received by outside interests in planning your foreign trips. According to a recent report in the *Washington Post*, upon becoming Administrator, you created a list of approximately a dozen countries you wished to visit and requested that EPA staff find reasons to visit these places on official travel.<sup>8</sup> This list reportedly included destinations in Saudi Arabia, Colombia, Panama, Poland, Japan, India, Canada, Israel, and Australia.<sup>9</sup>

Your official travel to Morocco and Italy, as well as a cancelled trips to Australia and Israel, were reportedly planned with assistance by a lobbyist, a conservative activist, a former lobbyist, and a major Republican campaign contributor, respectively.<sup>10</sup> Recent reports have further underscored potential ethical and legal issues resulting from your arrangement with these individuals. For example, according to recent reports, the executive vice president of the conservative Federalist Society, Leonard Leo, arranged for three meals and scheduled private tours for yourself and your aides during your trip to Italy.<sup>11</sup> EPA officials confirmed that, during at least one of these meals at a premium Rome restaurant, Mr. Leo paid for your meal and you subsequently reimbursed him.<sup>12</sup> According to Federal Election Commission filings,<sup>13</sup> Mr. Leo

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<sup>6</sup> Environmental Protection Agency, Calendar for Scott Pruitt, Administrator (<https://www.epa.gov/senior-leaders-calendars/calendar-scott-pruitt-administrator>).

<sup>7</sup> *Pruitt's Dinner with Cardinal Accused of Abuse was Kept Off Public Schedule*, *New York Times* (May 11, 2018).

<sup>8</sup> *Influential Outsiders Have Played a Key Role in Scott Pruitt's Foreign Travel*, *Washington Post* (May 3, 2018).

<sup>9</sup> *Influential Outsiders Have Played a Key Role in Scott Pruitt's Foreign Travel*, *Washington Post* (May 3, 2018).

<sup>10</sup> *A Lobbyist Helped Scott Pruitt Plan a Morocco Trip. Then Morocco Hired the Lobbyist*, *New York Times* (May 1, 2018); *Influential Outsiders Have Played a Key Role in Scott Pruitt's Foreign Travel*, *Washington Post* (May 3, 2018); *Lobbyist Warned Pruitt of "Angry Group of Aussies," Politico* (May 2, 2018).

<sup>11</sup> *Top Federalist Society Official Initially Paid for Scott Pruitt's Costly Dinner in Rome, EPA Officials Confirm*, *Washington Post* (May 7, 2018). According to Federal Election Commission filings, Mr. Leo also serves as attorney for an LLC which apparently donated \$1,000,000 to the Trump inauguration.

<sup>12</sup> *Top Federalist Society Official Initially Paid for Scott Pruitt's Costly Dinner in Rome, EPA Officials Confirm*, *Washington Post* (May 7, 2018).

<sup>13</sup> Federal Election Commission, *Webber for Congress Schedule A (FEC Form 3) Itemized Receipts* (<http://docquery.fec.gov/cgi-bin/fecimg/?201804159108152599>).

also serves as attorney for an LLC which apparently donated \$1,000,000 to the Trump inauguration and, earlier today, it was reported that Mr. Leo is connected to conservative legal activists influential in the Trump Administration's selection process for federal judges.<sup>14</sup>

Given these troubling new developments, I request that you provide a response to the following:

1. Please provide a list of all meetings held during your 2017 trips to Italy and Morocco, including but not limited to meetings excluded from your public calendar. Please include the date of the meeting and the name, title, and organizational affiliation of all participants.
2. Prior to your June 2017 meeting with Cardinal Pell, which EPA staff raised concerns to you about this meeting? Please provide the name and title of all EPA staff with whom you discussed meeting with Cardinal Pell and the date of your conversation(s), and a list of any subsequent action you took in response to these concerns.
3. Which EPA political appointee(s) participated in conversations about whether to omit your June 9, 2017 dinner with Cardinal Pell from your public calendar? Who made the decision to omit the meeting from your calendar?
4. Who paid the restaurant La Terrazza for dinner on June 9, 2017? If you or any other EPA employee did not pay the restaurant directly, please explain who paid and provide the date and process by which you and any other EPA employees reimbursed the individual who paid the restaurant.
5. Please provide details for any instance in which you reimbursed Mr. Leonard Leo, Mr. Sheldon Adelson, Mr. Matthew Freedman, and Mr. Richard Smotkin for any meals, including but not limited to lunches and dinners hosted by Mr. Leo during your trip to Rome. For each instance, please provide details of these reimbursements, including the amount, payee, date, and form of payment.
6. What was the total cost of the meal at Al Ceppo which you attended with Leonard Leo in Rome? What was the cost of your portion of meal at Al Ceppo? Did Mr. Leo pay the entire cost of the meal?
7. Have Mr. Leo, Mr. Adelson, Mr. Freedman, or Mr. Smotkin paid for any meals, in whole or part, for EPA Chief of Staff Ryan Jackson, former EPA advisor Samantha Dravis, or any other EPA political appointees, including but not limited to dinner with Mr. Leo in Rome at Al Ceppo? If so, for each instance, please provide details of these reimbursements, including the amount, payee, date, and form of payment.

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<sup>14</sup> *\$1 Million Donation to Trump Inauguration Traced to Conservative Legal Activists: Report*, The Hill (May 15, 2018).

### Use of a Companion Pass for Personal Domestic Travel

During your appearance before the Subcommittee, I asked about personal travel where you flew on a companion pass provided by Kenneth Wagner, a subordinate EPA political appointee.<sup>15</sup> You reportedly reimbursed Mr. Wagner for the \$5.60 airline fee and half the cost of his ticket (although it is unclear whether his ticket was in fact purchased using frequent flier miles).<sup>16</sup> You testified that “we actually flew like carpooling. We shared costs from Oklahoma.”<sup>17</sup>

As you may be aware, federal ethics regulations state, in part, that “an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless ... the two employees are not in a subordinate-official superior relationship.”<sup>18</sup>

Federal regulations define a gift as “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.”<sup>19</sup> Though an exception exists for items for which market value is paid by the employee, market value is defined as “the cost that a member of the general public would reasonably expect to incur to purchase the gift.”<sup>20</sup>

Mr. Wagner is currently appointed to a subordinate appointee position as EPA Senior Advisor for State and Regional Affairs<sup>21</sup> and therefore, under federal regulations, you may not accept gifts from him unless an exception applies.<sup>22</sup> Additionally, according to ethics experts, the value of the gift is determined not by what the ticket actually cost Mr. Wagner, but what the full market value would have been if the ticket had been purchased using cash.<sup>23</sup>

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<sup>15</sup> *EPA Chief Sat in Coach When Not Flying on Taxpayers Dime*, Associated Press (Apr. 18, 2018).

<sup>16</sup> *EPA Chief Sat in Coach When Not Flying on Taxpayers Dime*, Associated Press (Apr. 18, 2018).

<sup>17</sup> House Committee on Energy and Commerce, *Hearing on the Fiscal Year 2019 Environmental Protection Agency Budget*, 115th Cong. (Apr. 26, 2017).

<sup>18</sup> 5 CFR 2635.302(b).

<sup>19</sup> 5 CFR 2635.203(b).

<sup>20</sup> 5 CFR 2635.203(b)(10).

<sup>21</sup> *Pruitt's Friend Joins Agency as Senior Adviser*, E&E News (Apr. 13, 2017).

<sup>22</sup> 5 CFR 2635.302(b).

<sup>23</sup> *EPA Chief Sat in Coach When Not Flying on Taxpayers Dime*, Associated Press (Apr. 18, 2018).

In order to more fully understand whether your domestic air travel is in compliance with federal ethics regulations, I request a response to the following:

1. Please provide a list of all instances in which you received or used a companion pass or any other form of travel reward from Mr. Wagner or any other EPA employee, including but not limited to frequent flier points, credit card, or airline points. For each, including the date on which you received the pass, the date of travel, and the dollar value of an airline ticket on each flight on the day you accepted the travel benefit.
2. For each instance where you used any travel benefit given to you by Mr. Wagner or any other EPA employee, did Mr. Wagner or any other individual purchase your ticket or pay for the ticket using frequent flier miles, credit card or airline points, or any other travel reward system?
3. Please provide the date and amount of any reimbursement you made to Mr. Wagner for any personal travel during your tenure as EPA Administrator and an explanation for how you determined the reimbursement amount.

I request a response no later than May 30, 2018 and thank you for your immediate attention to this matter. Should you have any questions or concerns regarding this request, please contact Levi Patterson of my staff at (202) 226-6190.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Ray Lujan", with a stylized flourish at the end.

Ben Ray Lujan  
Member of Congress